

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TICKETOPS CORPORATION,

Petitioner and Counter  
Respondent,

v.

COSTCO WHOLESALE  
CORPORATION,

Respondent and  
Counter Petitioner.

C21-931 TSZ

ORDER

THIS MATTER comes before the Court on a motion for supplemental proceedings in aid of judgment, docket no. 30, filed by Respondent and Counter Petitioner Costco Wholesale Corporation (“Costco”), and a motion for a protective order, docket no. 31, filed by Petitioner and Counter Respondent TicketOps Corporation (“TicketOps”). Having reviewed all papers filed in support of, and in opposition to, the motions, the Court enters the following Order.

**Background**

In September 2021, the Court entered an order, docket no. 17, denying TicketOps’s petition to vacate a foreign arbitral award (“Award”) and granting Costco’s

1 cross-petition to confirm the Award. On September 20, 2021, the Court entered a \$16.5  
2 million judgment (“Judgment”), docket no. 21, in favor of Costco and against TicketOps.  
3 TicketOps appealed the Court’s order, *see* Notice of Appeal (docket no. 26), but to date,  
4 TicketOps has not satisfied the Judgment or posted a supersedeas bond. *See* Mot. at 2  
5 (docket no. 30).

6 Costco moves under Federal Rule of Civil Procedure 69(a) and RCW 6.32.010 for  
7 supplemental proceedings in aid of judgment. Costco seeks discovery and a debtor’s  
8 examination of TicketOps through its founder and owner, Hugh Hall. In addition to  
9 discovery of TicketOps’s finances and assets, Costco requests records concerning  
10 Mr. Hall’s personal finances. TicketOps opposes Costco’s motion and asks the Court to  
11 consider its response as a motion for a protective order. *See* Resp. at 3 n.1 (docket  
12 no. 31).

### 13 **Discussion**

#### 14 **1. Debtor’s Examination**

15 Under Federal Rule of Civil Procedure 62(a), a district court’s judgment becomes  
16 final and enforceable thirty (30) days after entry of judgment. In aid of a judgment or  
17 execution, “the judgment creditor . . . may obtain discovery from any person—including  
18 the judgment debtor—as provided in these rules or by the procedure of the state where  
19 the court is located.” Fed. R. Civ. P. 69(a)(2). “The procedure on execution—and in  
20 proceedings supplementary to and in aid of judgment or execution—must accord with the  
21 procedure of the state where the court is located . . . .” Fed. R. Civ. P. 69(a)(1). In  
22 Washington, a court may, upon application of the judgment creditor, require the  
23

1 judgment debtor to appear before the court for a debtor's examination. RCW 6.32.010.  
2 "The scope of discovery allowed under Rule 69 is broad." *Beautyko LLC v. Amazon*  
3 *Fulfillment Servs., Inc.*, No. C16-355, 2018 WL 1792183, at \*3 (W.D. Wash. Apr. 16,  
4 2018) (citing *Republic of Arg. v. NML Cap., Ltd.*, 573 U.S. 134, 138 (2014)). Discovery  
5 of a third-party's assets is permitted if the relationship between the third-party and the  
6 judgment debtor "is sufficient to raise a reasonable doubt about the bona fides of [any]  
7 transfer of assets between them." *Credit Lyonnais, S.A. v. SGC Int'l Inc.*, 160 F.3d 428,  
8 431 (8th Cir. 1998) (alteration in original).

9       It appears from the record that Costco did not conduct any post-judgment  
10 discovery before filing its motion for supplemental proceedings. Without having  
11 engaged in any discovery, the Court concludes that Costco's request for a debtor's  
12 examination under RCW 6.32.010 is premature. The Court does not foreclose the  
13 possibility that a debtor's examination under RCW 6.32.010 might be appropriate at a  
14 future date. However, Costco should first utilize other discovery tools to gather relevant  
15 evidence. A debtor's examination before the Court is not necessary for Costco to obtain  
16 from TicketOps the discovery that it requests.

17       Instead, the Court finds that other post-judgment discovery is appropriate in this  
18 case. Costco's request to examine Mr. Hall in his capacity as TicketOps's corporate  
19 representative is GRANTED, and Costco may depose Mr. Hall. However, the Court  
20 DENIES Costco's request to examine Mr. Hall in his personal capacity. Costco has  
21 presented no evidence that Mr. Hall, a non-party witness, commingled his assets with  
22 TicketOps, or otherwise engaged in the questionable transfer of assets, to justify  
23

1 discovery into Mr. Hall's personal finances. The fact that Mr. Hall is TicketOps's  
2 founder, owner, and CEO does not, standing alone, support Costco's request to examine  
3 Mr. Hall in his personal capacity at this time.

4 Therefore, the Court DENIES Costco's motion, docket no. 30, for a debtor's  
5 examination under RCW 6.32.010. The Court GRANTS Costco's request to examine  
6 Mr. Hall in his capacity as a corporate representative of TicketOps, and Costco may take  
7 Mr. Hall's deposition by remote means in accordance with Federal Rule of Civil  
8 Procedure 30, subject to and consistent with this Order. The Court DENIES Costco's  
9 request to examine Mr. Hall in his personal capacity, and GRANTS TicketOps motion  
10 for a protective order, docket no. 31, as it relates to Mr. Hall's personal finances.  
11 Costco's request for document production is GRANTED, subject to and consistent with  
12 this Order.

## 13 **2. Contested Categories**

14 Costco provides twelve (12) categories of information about which it seeks  
15 documents and testimony. TicketOps objects to Nos. 2, 3(b) and (c), 4, 5, 6, 7, 8, 9, 10,  
16 and 11 as overbroad, unduly burdensome, not proportional to the needs of the case, and  
17 brought for the purpose of harassing Mr. Hall. TicketOps also objects to No. 1 as  
18 overbroad because there is no temporal limitation and No. 12 to the extent that it seeks  
19 documents prior to March 2020. The Court concludes that Nos. 7 and 12 are relevant and  
20 proportional to the needs of the case, and DENIES TicketOps motion, docket no. 31, for  
21 a protective order with respect to these requests.

1 The Court concludes that Costco's remaining requests, as drafted, are overbroad  
2 and, in part, not proportional to the needs of the case, and therefore GRANTS in part  
3 TicketOps motion for a protective order. The Court has revised Costco's requests in a  
4 manner that would be proportional to the needs of the case, which now read as follows:

5 *No. 1:* Corporate records reflecting the ownership of TicketOps **from July**  
6 **1, 2019 to present.**

7 *No. 2:* Identification of all bank accounts that have been maintained on  
8 behalf of TicketOps since July 1, 2019, and copies of all account statements  
9 since that date. This includes accounts in the name of TicketOps and any  
10 affiliates.

11 *No. 3:* Corporate income tax returns for TicketOps for the past **three** years.  
12 If the filing of the most recent return is pending but the return has been  
13 prepared or the information is available, this information is requested as well.

14 *No. 4:* Documents reflecting the current assets and liabilities of TicketOps,  
15 and all asset transfers since July 1, 2019.

16 *No. 5:* Documents reflecting all property owned, in whole or in part, by  
17 TicketOps, between July 1, 2019, and the present, including but not limited  
18 to cash, stocks, notes, judgments, bonds, U.S. treasury bills, mutual funds,  
19 money market investments, equipment, machinery, tools, computers,  
20 artwork, and multi-media equipment.

21 *No. 6:* Documents and records reflecting all real property owned, in whole  
22 or in part, by TicketOps, since July 1, 2019.

23 *No. 8:* Certificates of title reflecting all vehicles owned, in whole or in part,  
by TicketOps, since July 1, 2019, including but not limited to cars, trucks,  
motorcycles, boats, or recreational vehicles or vessels.

*No. 9:* Documents reflecting proceeds from sales by TicketOps since July 1,  
2019.

*No. 10:* Documents reflecting the existence of any security interest, sales  
contracts, or conditional sales contracts on the items of property owned by  
TicketOps.

